




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 Hawthorne Street  
San Francisco, California

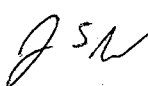
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January 30, 2009

**MEMORANDUM**

**SUBJECT:** Settlement Agreement for Recovery of Response Costs  
Docket No. 2008-28  
In The Matter of the Brown & Bryant Superfund Site

**FROM:** Travis Cain   
Remedial Project Manager

Joshua Wirtschafter   
Assistant Regional Counsel

**TO:** Kathleen Salyer, Assistant Director  
Superfund Division  
California Site Cleanup Branch

With this memorandum, I am forwarding for your signature the *Settlement Agreement for Recovery of Response Costs* ("Settlement Agreement") with Union Pacific Railroad Company and BNSF Railway Company ("Railroads") regarding Brown & Bryant Superfund Site, located in Arvin, California ("Site"). Under the Settlement Agreement, the Railroads will pay a total of \$985,000 of "Settled Response Costs," which EPA believes will be sufficient to pay for moving Arvin City-Well 1 as Phase I of the remedy selected in the Record of Decision of September 30, 2007. Also, please sign the cover letters to the vice presidents who signed the Settlement Agreement on behalf of each of the Railroads. Finally, I understand from email correspondence that you and Division Director Keith Takata have approved the enclosed press release.

On December 12, 2008, you approved the publication of a notice in Federal Register seeking public comment on the Settlement Agreement. The notice was published on December 19, 2008. The public comment period closed on January 20, 2009. No comments were received. Thus, the Settlement Agreement is ready for your signature.